

REMARKS

As an initial matter, attention is directed to the Examiner's comments in the previous Office Action as they pertain to applicants' claims. On Page 15 the Examiner suggests that a distinction might be made over the prior art if the claims were to be amended to include some relationship between the speakers and the multiple channels disclosed in the present claims. The Examiner further indicates the current claims do not reflect how the speakers relate to the multiple channels (i.e., 2 speakers on the right channel and 2 on the left channel, or 1 speaker for four separate channels).

Applicants thank the Examiner for this observation. The bulk of the claim amendments offered herein are intended to implement that suggestion. To the extent that applicants have misunderstood the Examiner's intent, attorney for the applicants requests that the Examiner contact him at the phone number identified below to discuss how the instant response should be modified.

AMENDMENTS TO THE SPECIFICATION

None.

AMENDMENTS TO THE CLAIMS

Claim 21 has been amended to make clearer applicants' intent that each transition pattern is intended to separately utilize each of the four or more attached speakers to create an impression of movement. Support for this can be found throughout the description of the application, including the abstract, Figures 6A, 6B, 7, and 8 and in the specification in

paragraphs [0015], [0016], [0031] through [0033], [0039] and [0047] and, as such, these changes do not constitute new matter.

Similarly, Claim 31 has been amended to make clearer that the transition pattern of this claim utilizes at least 4 different audio channels, with each audio channel corresponding to a different one of said at least four audio speakers. Support for this can be found throughout the description of the application, including the abstract, Figures 6A, 6B, 7, and 8 and in the specification in paragraphs [0015], [0016], [0031] through [0033], [0039] and [0047] and, as such, these changes do not constitute new matter.

Independent Claim 41 has been newly introduced to further illustrate the invention claimed by the applicants. The use of a transition pattern that separately accesses each of the at least four connected speakers is documented throughout the specification including, for example, the abstract, Figures 6A, 6B, 7, and 8 and in the specification in paragraphs [0015], [0016], [0031] through [0033], [0039] and [0047] and, as such, this new claim does not constitute new matter.

Newly introduced dependent Claims 42 through 50 have language similar to that found in previously examined Claims 22-30. As such, these new claims do not constitute new matter.

CLAIM OBJECTIONS AND REJECTIONS

Rejections Under 35 U.S.C. 103(a)

Claims **21, 22, 31, 32** and **40** stand as rejected under 35 USC 103 (a) as being unpatentable over by Cliff (US 2002/0172379 A1) in view of Klayman (US 4,819,269). With respect to Claim **21** and **31** it is said that Cliff discloses a method of generating a sound transition between a first audio work and a second audio work, wherein a first transition pattern is selected for said first audio work, a second transition pattern is selected for said second audio work and wherein said transition pattern creates a sense of movement in a listener. The first and second transition patterns are said to provide an audio transition between said first and second audio works. The transition is said to be played through said audio speakers according to the selected transition pattern, thereby creating an impression of movement of the sound sources around a listener. It is further said that Cliff does not disclose expressly wherein the multi-channel surround sound environment comprises at least four audio speakers arrayed in a spaced-apart configuration on at least four different sides and that Klayman discloses a multi-channel surround sound environment comprising of at least four audio speakers arrayed in a spaced-apart configuration on at least four different sides of a listener. Additionally, it is said that it would have been obvious to a person of ordinary skill in the art to connect multiple speakers to each output channel so as to surround a listener on four sides as performed by Klayman. The motivation for doing so would have been to reproduce a sound that emanates from multiple directions which would add fullness to the reproduced sound.

Turning first to the rejection of Claims **21** and **31**, these claims have been amended – pursuant to the Examiner's observations noted previously – to require that each transition pattern

separately utilize each of the attached at least four audio speakers. In these claims, each transition pattern is comprised of at least four transition channel patterns, with each such transition channel pattern being associated with one of the at least four speakers and with the transition channel patterns being sounded through the at least four speakers to create the impression of movement.

Neither Cliff nor Klayman – either alone or in combination – teach applicant's approach to creating sound transitions in multi-channel surround sound environment by using transition patterns that separately utilize in cooperation each channel of the multi-channel surround sound environment to create the impression of sound movement to a listener.

As such, and further in view of the arguments advanced above and in view of the Examiner's comments noted previously, it is believed that the cited references fail to disclose each and every element of the instant invention and the instant rejection under Section 103 of Claims 21 and 31 is improper and should be withdrawn.

Turning next to the rejection of Claims 22 and 32, for at least all of the reasons advanced above this claim is believed to be allowable. First, Claims 22 and 32 are dependent from two independent claims that are believed to be allowable as-amended and, as such, it is believed that each of these claims is similarly allowable. Additionally, and in more particular, neither Cliff nor Klayman teach or suggest the use of a master transition pattern that utilizes at least two individual transition patterns each of which, in turn, are comprised of at least four transition channel patterns that separately utilize each of the at least four connected speakers to create the impression of sound movement to a listener.

Thus, it is believed that the cited references fail to disclose each and every element of the claims as-amended, as such, the instant rejection under Section 103 of Claims **22** and **32** is believed to be improper and should be withdrawn.

With respect to dependent Claim **40**, for at least all of the reasons identified above this claim is believed to be allowable. First, this claim is dependent from – and further limits – a claim that is believed to be allowable.

Additionally, this claim inherits the as-amended limitation that the method utilizes transition patterns each of which separately utilizes each channel of the multi-channel surround sound environment to create the impression of sound movement to a listener. Nothing in Cliff or Klayman teaches this approach.

As such, it is believed that in view of the foregoing this claim is allowable and the instant rejection is believed to be improper and should be withdrawn.

Claims **24-30** and **34-39** stand as rejected under 35 U.S.C 103 (a) as being unpatentable over Cliff (US 2002/0172379 A1) in view of Klayman (US 4,819,269) and in further view of Cleary, Jr. et al. (US 6,977,653 B1).

In reply, with respect to all of these claims and generally speaking, applicants believe that, for at least all of the reasons identified above, these claims are believed to be allowable. In support of this, applicants would note that each of these claims is dependent from – and further limits – a claim that is believed to be allowable.

Additionally each of these claims now inherits the as-amended limitation that the method utilizes transition patterns which utilize each channel of the multi-channel surround sound

environment separately to create the impression of sound movement to a listener. Nothing in Cliff or Klayman or Cleary teaches this approach.

As such, it is believed that in view of the foregoing these claims are allowable and the instant rejection is believed to be improper and should be withdrawn.

Further, and with respect to Claim 24, there is no suggestion or teaching in Cliff, Klayman or Clear – either alone or in combination – that a graphical display device could be used with four or more speakers to create a visual representation of the movement of an audio source on four or more different sides of a listener, wherein the impression of sound movement is created by implementing transition patterns that utilize each channel of a multi-channel surround sound environment individually.

As such, it is believed that this claim is allowable as amended.

With respect to Claims 25 and 36, there is similarly no teaching in Cliff, Klayman or Clear – either alone or in combination – that a device that displays a graphical representation might be used to provide a graphical representation of the transition pattern as it separately utilizes each of at least four speakers so as to create an impression of sonic source movement.

As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

With respect to Claims 26 and 37, there is no teaching in Cliff, Klayman or Clear – either alone or in combination – that a graphical display device could be used to provide an indicia of at

least four speakers that are at least approximately spaced apart on the display device proportionally to an actual spacing of the audio speakers, wherein the transition pattern separately uses the at least four speakers to create an impression of source movement in a listener.

As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

With respect to Claims 27 and 38 there is no teaching in Cliff, Klayman or Cleary – either alone or in combination - of the use of a computer display device during the playing of a first audio work, wherein the display is updated in at least approximately real time to illustrate the apparent motion of an audio source between at least four speakers and on at least four sides of a listener, wherein the apparent motion is created by implementation of transition patterns that utilize each channel of a multi-channel surround sound environment individually.

As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

With respect to Claim 28, there is no teaching in Cliff, Klayman or Cleary – either alone or in combination - of the use of a computer display device during the playing of a second audio work, wherein the display includes a graphical representation of at least four audio speakers positioned on at least four different sides of a listener and wherein each speaker is separately utilized by a transition pattern to create a sense of movement about a listener.

As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

With respect to Claim 29, there is no teaching in Cliff, Klayman or Cleary – either alone or in combination - of a user-provided first transition pattern for use with at least four speakers situated on at least four different sides of a user, wherein the transition pattern creates an impression of movement between the at least four different speakers and wherein the impression of movement is created by implementing transition patterns that separately utilize each channel of a multi-channel surround sound speaker system.

As such, for at least all of the reasons identified above, it is believed that this claim should be allowable.

With respect to Claim 30, there is no teaching in Cliff, Klayman or Cleary – either alone or in combination – of a user-provided second transition pattern for use with at least four speakers situated on at least four different sides of a user, wherein the provided second transition pattern creates an impression of movement between the at least four different speakers, wherein the impression of movement is created by implementing transition patterns that utilize each channel of a multi-channel surround sound environment individually for each of the at least four or more speakers. As such, for at least all of the reasons identified above, it is believed that this claim should be allowable.

With respect to Claim 34, there is no suggestion or teaching in Cliff, Klayman or Cleary – either alone or in combination - that a graphical display device could be used with four or more speakers to create a graphical representation of said impression of movement of said first audio

work, wherein said impression of movement is created via transition patterns that separately utilize each channel of a multi-channel surround sound environment.

As such, for at least all of the reasons identified above, it is believed that this claim should be allowable.

With respect to Claim 35, there is no suggestion or teaching in Cliff, Klayman or Cleary – either alone or in combination - that a graphical display device could be used with four or more speakers to create a graphical representation of said impression of movement of said first audio work, wherein said impression of movement is created via transition patterns that separately utilize each channel of a multi-channel surround sound environment.

As such, for at least all of the reasons advanced above, it is believed that his claim should be allowable.

Claims 23 and 33 stand as rejected under 35 U.S.C 103 (a) as being unpatentable over Cliff (US 2002/0172379 A1) in view of Klayman (US 4,819,269) as applied to Claims 21 and 31 above and further in view of Clemow (US 6,577,736 B1) and Raydon et al. (US 3,969,588).

For at least all of the reasons identified above these claims are believed to be allowable. Each of these claims is dependent from – and further refines – a claim that is believed to be allowable.

Additionally, each of these claims now inherit the as-amended limitation that the method utilizes transition patterns which separately utilize each channel of the at least four connected speakers to cooperatively create the impression of sound movement to a listener. Nothing in Cliff or Klayman, Clemow or Raydon teaches this approach.

Further with respect to Claims 23 and 33 there is no teaching in Cliff, Klayman, Clemow or Raydon that said first transition pattern is selected from a group of a front-to-back transition pattern, a left side to right side transition pattern and a circling transition pattern, wherein these transition patterns are utilizing each channel of a multi-channel surround sound environment individually for each of at least for more speakers to create an impression of movement to a listener.

As such, for at least all of the reasons identified above, it is believed that these claims should be allowable.

* * *

In view of the foregoing, the applicants believe that the rejections and objections offered by the Examiner have been overcome and should be withdrawn. The claims as-filed and as-amended are in condition for allowance and should be passed to the issue branch. Early and favorable action is earnestly solicited.

Respectfully submitted,


Terry L. Watt Date
Registration No.: 42,214
Fellers, Snider, Blankenship, Bailey &
Tippens
The Kennedy Building
321 South Boston, Suite 800
Tulsa, OK 74103-3318
Phone: (918) 599-0621
Fax: (918) 583-9659

#438879 v1